



State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095  
(603) 271-2147 FAX (603) 271-6588



**LETTER OF DEFICIENCY  
WET #SC2002-0003**

December 4, 2002

The Commons Property Management Inc.  
Attn: Jeri Velte  
PO Box 744  
North Hampton, NH 03862

**RE: Wetlands Bureau Complaint File #2001-49, Cricklewood Condominiums, Spur Road,  
Dover Tax Map L / Lot 49A.**

Dear Ms. Velte:

On November 13, 2002, personnel from the Department of Environmental Services ("DES") conducted an inspection, along with Paul Chamberlin, Cricklewood Condominiums Association President, of the above referenced property, more specifically referenced on City of Dover Tax Map L as Lot 49A (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A, the New Hampshire Wetlands Law and RSA 483-B, the Comprehensive Shoreland Protection Act.

During the inspection the following deficiencies were documented:

1. A 5' x 28' (140 square feet) wooden footbridge was constructed in a tidal wetland area without a wetlands permit as required by RSA 482-A;
2. The footbridge, an accessory structure, is not located 20 feet landward from the reference line (as determined by the highest observable tide line) as required by RSA 483-B;
3. It was observed that saplings have been topped within the natural woodland buffer area in contradiction of RSA 483-B:9,V(a) which states that no more than a maximum of 50% of the basal area of trees and a maximum of 50% of the total number of saplings shall be cut for any purpose in a 20 year period. Further, "topping" of saplings has the potential effect of killing those saplings resulting in elimination of the buffer altogether.

In response, you are requested to take the following actions:

1. Remove the footbridge out of the tidal wetland area. If you intend to relocate the footbridge to an area within the tidal buffer zone, then it must be constructed at least 20 feet from the reference line and occupy no more than 150 square feet of area in order to comply with the Comprehensive Shoreland Protection Act, and you must apply for a wetlands permit (Standard Dredge and Fill Application enclosed);

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2. Discontinue 'topping' of the saplings within the buffer. Monitor the saplings within the buffer for a period of three years to determine if the saplings will survive. Submit photo documentation of the saplings by December 2003, December 2004, and December 2005 to the DES Wetlands Bureau. If any of the saplings die in the buffer within the monitoring period, then you must replant new saplings to replace the dead saplings.

RSA 482-A and RSA 483-B, the New Hampshire Wetlands law and the Comprehensive Shoreland Protection Act, were enacted to protect and preserve wetlands, surface waters and the shoreline from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit from the Wetlands Bureau and comply with the Comprehensive Shoreland Protection Act. If work is done without a permit from the Wetlands Bureau and is not in compliance with the Comprehensive Shoreland Protection Act, this is considered a violation of RSA 482-A and 483-B. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A and RSA 483-B will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

David Price, Enforcement Investigator  
Wetlands Bureau  
Department of Environmental Services  
360 Corporate Drive  
Suite 2  
Portsmouth, NH 03801

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Should you have any questions regarding this letter, or wish to arrange a meeting, please contact me at (603) 433-6183.

Sincerely,

**COPY**

Dori Wiggin  
Coastal Supervisor  
DES Wetlands Bureau

**CERTIFIED MAIL #7001 0320 0003 3242 0803**

cc: Rene Pelletier, Manager, Land Resources Management Program  
Mark Harbaugh, DES Legal Unit  
Tom Fargo, Dover Conservation Commission  
Steve Stancil, City of Dover  
Tom Clark, City of Dover  
Peter J. Loughlin  
Fred and Carol Pettigrew  
Paul Chamberlin